



NEVADA STATE BOARD OF PHARMACY

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MINUTES

January 16 & 17, 2019

BOARD MEETING

Hilton Garden Inn
7830 S Las Vegas Boulevard
Las Vegas, Nevada

Board Members Present:

Jason Penrod	Kevin Desmond	Jade Jacobo	Wayne Mitchell
Melissa Shake	Robert Sullivan	Gener Tejero	

Board Staff Present:

Dave Wuest	Yenh Long	Paul Edwards	Brett Kandt
Shirley Hunting	Ray Seidlinger	Joe Dodge	Kenneth Scheuber
Luis Curras	Dena McClish	Kristopher Mangosing	
Rosalie Bordelove			

President Penrod read the mission statement of the Nevada State Board of Pharmacy to reiterate the Board's duty to carry out and enforce the provisions of Nevada Law to protect the health, safety, and welfare of the public.

Mr. Wuest introduced and congratulated Gener Tejero as Governor Sandoval's newest appointment to the Nevada State Board of Pharmacy for a three-year term.

1. Public Comment January 16, 2019 9:00 AM

There was no public comment.

2. Approval of December 5-6, 2018, Minutes

Wayne Mitchell and Gener Tejero recused from participation in this matter due to their absence at the December 2018 Board meeting.

Melissa Shake requested a correction to the spelling of Epidiolex on p.28.

Board Action:

Motion: Kevin Desmond moved to approve the December 5-6, 2018 Meeting Minutes with corrections as discussed.

Second: Jade Jacobo

Action: Passed unanimously

3. Applications for Out-of-State Pharmacy – Non Appearance

- A. ASAP Pharmacy, Inc. – Dunedin, FL
- B. Metro Drugs Hoboken, LLC – Hoboken, NJ
- C. Motto Pharmacy Inc. – Riviera Beach, FL
- D. OptumRx – Jacksonville, FL
- E. Pharmacy Care Providers of Georgia – Augusta, GA
- F. UBC Pharmacy – St Louis, MO
- G. Value Specialty Pharmacy, LLC – Duncansville, PA

Applications for Out-of-State Compounding Pharmacy – Non Appearance

- H. AAA Community Pharmacy – Westminster, CA
- I. SmartScript Pharmacy – Oshkosh, WI

Applications for Out-of-State Wholesaler – Non Appearance

- J. Acer Therapeutics Inc. – Newton, MA
- K. Acorda Therapeutics, Inc. – Ardsley, NY
- L. Agios Pharmaceuticals, Inc. – Cambridge, MA
- M. Authentic Medical – Rocklin, CA
- N. Dova Pharmaceuticals – Durham, NC
- O. EyePoint Pharmaceuticals US, Inc. – Watertown, MA
- P. Fisher BioServices, Inc. – Rockville, MD
- Q. Harmony Biosciences, LLC – Plymouth Meeting, PA
- R. Harris Pharmaceutical, Inc. – Fort Meyers, FL
- S. IBSA Pharma Inc. – Parsippany, NJ
- T. Ironshore Pharmaceuticals Inc. – Cherry Hill, NJ
- U. Innocoll Inc. – Newtown Square, PA
- V. McKesson Medical-Surgical Inc. – Urbancrest, OH
- W. MD Logistics, Inc. – Plainfield, IN
- X. Partner Therapeutics, Inc. – Lexington, MA
- Y. Premier Dental Products Company – Plymouth Meeting, PA
- Z. PTC Therapeutics, Inc. – South Plainfield, NJ
- AA. Surgical Specialties Corporation – Chula Vista, CA
- BB. The Hillsinger Company – Tucson, AZ
- CC. Woodfield Distribution LLC – Lockbourne, OH

Applications for Out-of-State Medical, Devices, Equipment and Gases – Non

Appearance

- DD. Absolute Comfort Medical, Inc. – Largo, FL
- EE. American Health Supply Inc. – Jensen Beach, FL
- FF. C & R Medical – Fort Worth, TX
- GG. Inspire Medical Systems, Inc. – Maple Grove, MN
- HH. One Source Medical Group LLC – Tampa, FL
- II. The Spectranetics Corporation – Colorado Springs, CO

Applications for Nevada Pharmacy – Non Appearance

- JJ. Bliss Pharmacy – Las Vegas, NV
- KK. Dignity Health Rehabilitation Hospital – Henderson, NV
- LL. Eternity Care Infusion Pharmacy – Las Vegas, NV

Application for Nevada Medical, Devices, Equipment and Gases – Non Appearance

- MM. Precision Orthotics & Prosthetics – Las Vegas, NV

Melissa Shake disclosed that the managing pharmacist at Bliss Pharmacy (Item 3 JJ) was a former Walgreens employee, but stated that she could participate in this matter fairly and without bias.

Mr. Wuest stated that Eternity Care Infusion Pharmacy (Item 3 LL) indicated that they would be providing sterile compounding services. He requested the Board have them appear at a future meeting to discuss the products and services they plan to provide.

Board discussion ensued regarding Item 3 FF and 3 HH. The Board requested Board Staff verify if they need to list a contact on their applications.

Board Action:

Motion: Melissa Shake moved to approve the Consent Agenda with the exception of Item 3 LL. Items 3 FF and 3 HH are approved pending review of their applications by Board Staff.

Second: Robert Sullivan

Action: Passed unanimously

4. Discipline

- A. Donald Cowles, R.Ph (18-104-RPH-S)

Donald Cowles appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Edwards summarized the facts of the case where Board Staff conducted a random audit of CEUs for the biennium ending October 31, 2017. Board Staff's audit found that Mr. Cowles did not complete any CEUs for time period November 1, 2015, to October 31, 2017. In October 2017, Mr. Cowles signed and submitted a renewal application to renew his Nevada Pharmacist Registration. On that application, Mr. Cowles falsely attested that he had completed thirty CEUs between November 1, 2015 and October 31, 2017.

Mr. Edwards moved to have Exhibits 1-7 admitted into the record.

Mr. Cowles had no objections.

President Penrod admitted Exhibits 1-7 into the record.

Mr. Edwards described the CEU audit procedure for the Board.

Mr. Cowles acknowledged his error and apologized to the Board for his mistake. He stated that he and his wife have been experiencing health issues over the year. Mr. Cowles explained that he is working on completing the required CEU.

Mr. Edwards presented Exhibits 1-7 to the Board. Exhibits 1-3 were documents showing that Board Staff had sent Mr. Cowles his Notice of Intended Action and Accusation by certified mail. Exhibit 4 was Mr. Cowles Nevada Pharmacist Registration Renewal form, Exhibit 5 was an email from Board Staff indicating the results of Mr. Cowles CEU audit and Exhibits 6-7 were documents showing a prior case in August 2000, where Mr. Cowles had submitted his Nevada Pharmacist Registration Renewal form, but also failed to complete his CEU.

Mr. Cowles moved to have Exhibit A admitted into the record.

Mr. Edwards had no objections.

President Penrod admitted Exhibit A into the record.

Mr. Cowles presented Exhibit A which was his hospital discharge documentation.

Mr. Cowles answered the Board's questions regarding his current employment and past CEU audits.

Board Action:

Motion: Melissa Shake moved that the Board has jurisdiction over this matter and that the factual allegations have been proven based on the evidence and testimony provided.

Second: Kevin Desmond

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved to find Donald Cowles guilty of the First and Second Causes of Action.

Second: Kevin Desmond

Action: Passed unanimously

Mr. Edwards stated that Board Staff recommends Mr. Cowles pay a \$500 fine, \$1,000 administrative fee, complete an additional 45 CEU within 60 days, complete and pass the Nevada Law Exam and attend three of the next four Las Vegas Board meetings on the discipline day.

Board Action:

Motion: Kevin Desmond moved that Donald Cowles shall pay a \$500 fine, \$1,000 administrative fee due within 60 days. Mr. Cowles shall complete an additional 45 CEU within 60 days plus the normal required 30 CEU. Mr. Cowles shall complete and pass the Nevada Law exam with a minimum score of 75% and shall attend three of the next four Las Vegas Board meetings on discipline day.

Second: Melissa Shake

Action: Passed unanimously

B. Willie Bawarski, R.Ph (18-105-RPH-S)

Melissa Shake recused from participation in this matter due to her involvement in the case.

Jade Jacobo recused from participation in this matter due to her relationship with Mr. Bawarski.

Gener Tejero disclosed that he has a business relationship with Mr. Stilling, but stated that he could participate in this matter fairly and without bias.

Willie Bawarski appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Bill Stilling was present as counsel representing Mr. Bawarski.

Mr. Edwards summarized the facts of the case where Mr. Bawarski signed and submitted a paper renewal on October 18, 2015. In the application he certified that he completed all of the 30 CEU hours required for the biennium ending October 31, 2015. Board Staff conducted a random audit of CEUs for the biennium ending October 31, 2015. The audit found that Mr. Bawarski completed only 20 of the 30 hours he was required to complete for that time period. Mr. Edwards explained that in March 2016, in lieu of formal discipline, Board Staff directed Mr. Bawarski to complete a total of 85 CEUs for the biennium ending October 31, 2017 and informed Mr. Bawarski that his CEU would be audited again for the

renewal period ending on October 31, 2017. Board Staff conducted an audit in February 2018 and found that Mr. Bawarski failed to comply with the Board's instructions. Mr. Bawarski only completed 46.5 of the 85 required CEU hours. Mr. Edwards stated that on September 7, 2017, Mr. Bawarski electronically submitted his pharmacist license renewal application. On that application Mr. Bawarski falsely attested that he had completed all CEUs he was required to complete between November 1, 2015, and October 31, 2017.

Mr. Edwards moved to have Exhibits 1-7 admitted into the record.

Mr. Stilling had no objections.

Mr. Stilling moved to have Exhibits A & B admitted into the record.

Mr. Edwards presented Exhibits 1-7. Exhibit 1 was Mr. Bawarski's pharmacist renewal application from 2015. Exhibit 2 was a letter from Board Staff to Mr. Bawarski listing the results of his CEU audit in 2015 and the requirements for completion in lieu of formal discipline. Exhibit 3 is the CEU Discipline Matrix indicating the penalties for failing the CEU audit. Exhibit 4 was a letter from Board Staff showing that Mr. Bawarski had paid his fine and had passed the Nevada Law Exam. Exhibit 5 was Mr. Bawarski's online pharmacist renewal application from 2017. Exhibit 6 was a letter from Board Staff notifying Mr. Bawarski of his CEU audit in 2018. Exhibit 7 was an email from Board Staff indicating the results of Mr. Bawarski's 2018 CEU audit.

Mr. Stilling stated that Mr. Bawarski did not complete the required 85 CEU for the renewal period ending October 31, 2017. He explained that Mr. Bawarski erroneously thought he only needed to complete 46.5 CEU hours for this renewal period.

Mr. Stilling called Melissa Shake as a witness.

Melissa Shake appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Stilling presented Exhibit A which was an email from Ms. Shake to Mr. Bawarski discussing an APhA certification course Mr. Bawarski attended that was worth 10 CEU hours. Exhibit B was a print out of Mr. Bawarski's CPE Monitor report.

Ms. Shake testified that she taught a CEU that Mr. Bawarski attended. She stated that Mr. Bawarski contacted her to ask how to go about getting his certificate for completing the CEU.

Mr. Stilling called Mr. Bawarski as a witness.

Mr. Bawarski answered questions from Mr. Stilling regarding his current employment and the CEU he has completed since receiving notification he failed his audit.

Mr. Bawarski stated that he received the letters from Board Staff listing what was required for his audit, but explained that he did not keep the letter. He apologized for his error and acknowledged his responsibility to keep records of all CEU he completes.

Board Action:

Motion: Wayne Mitchell moved that the Board has jurisdiction over this matter and that the factual allegations are proven based on the testimony and evidence presented.

Second: Kevin Desmond

Action: Passed unanimously

Board Action:

Motion: Kevin Desmond moved to find Willie Bawarski guilty of the First Cause of Action.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Kevin Desmond moved to find Willie Bawarski guilty of the Second Cause of Action.

Second: Robert Sullivan

Action: Passed unanimously

Mr. Edwards stated that Board Staff recommends Mr. Bawarski pay a fine of \$500, pay an administrative fee of \$1,000. Mr. Bawarski shall complete 45 CEU in addition to his normal 30 CEU. Mr. Bawarski shall attend three of the next four Las Vegas Board meetings on discipline day.

Board Action:

Motion: Kevin Desmond moved that Willie Bawarski shall pay a fine of \$500 due within 60 days, pay an administrative fee of \$1,000 due within 60 days. Mr. Bawarski shall complete 45 CEU due within 60 days in addition to his normal 30 CEU. Any CEU Mr. Bawarski has done prior to this meeting does not count towards his total. Mr. Bawarski shall attend three of the next four Las Vegas Board meetings on discipline day.

Second: Gener Tejero

Action: Passed unanimously

D. All City Pharmacy (17-070-PH-S)

This matter was continued to a future meeting.

E. Raanan Pokroy, MD (17-098-S)

This matter was continued to a future meeting.

5. Applications for Out-of-State Pharmacy – Appearance

A. AvasaRx Pharmacy – Phoenix, AZ

This matter was continued to a future meeting.

B. SMP Pharmacy Solutions #2 – Miami, FL

Jenny Alfonso, managing pharmacist, appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Ms. Alfonso presented a letter of authorization allowing her to speak on behalf of the company.

Joe Dodge, Inspector Nevada State Board of Pharmacy, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Dodge questioned Ms. Alfonso regarding SMP Pharmacy Solutions #2's products and services provided, compounding procedures, accreditation, product testing and past inspections.

Ms. Alfonso was unable to answer Mr. Dodge's questions regarding SMP Pharmacy Solutions #2's sterile compounding procedures.

Board discussion ensued regarding Board Staff inspecting SMP Pharmacy Solutions #2 at the their expense.

The Board removed SMP Pharmacy Solutions #2's affidavit to ship sterile products at Ms. Alfonso's request.

Board Action:

Motion: Jade Jacobo moved to approve SMP Pharmacy Solutions #2's Application for Out-of-State Pharmacy License pending a positive inspection by Board Staff at the company's expense.

Second: Gener Tejero

Action: Passed unanimously

6. Request for Renewal of Pharmacist Registration – Appearance

Phic Lim

Phic Lim appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Edwards stated that Mr. Lim appeared at a previous Board meeting where this matter was tabled to allow Board Staff to review Mr. Lim's past discipline in California.

Mr. Edwards summarized the facts of the cases where Mr. Lim was disciplined in California for excessive dispensing of controlled substances without due diligence and insurance fraud.

The Board questioned Mr. Lim regarding his discipline in California.

The Board expressed concern regarding the severity of Mr. Lim's errors in California.

Board Action:

Motion: Wayne Mitchell moved to deny Phic Lim's Request for Renewal of Pharmacist Registration.

Second: Jade Jacobo

Action: Passed unanimously

7. Request for Advisory Opinion pursuant to NAC 639.150 on professional services provided by third parties to Nevada Medical, Devices, Equipment and Gases licensees

iSleep, LLC

This matter was postponed to a future meeting at the applicant's request.

8. Application for Out-of-State Medical, Devices, Equipment and Gases – Appearance

CPAP.com

Carolyn Goodman, CFO, and Michael Schultz, counsel, appeared and were sworn by President Penrod prior to answering questions or offering testimony.

Ms. Goodman explained that CPAP.com is an online retailer that provides sleep apnea products direct to patients.

Ms. Goodman stated that CPAP.com first shipped products into Nevada between five and twenty years ago.

Ms. Goodman answered questions to the Board's satisfaction regarding CPAP.com's products and services provided, staff training, referrals and marketing.

After discussion, Ms. Goodman agreed to provide Board Staff with a list of products that have been shipped into Nevada for each year.

Board Action:

Motion: Kevin Desmond moved to approve CPAP.com's Application for Out-of-State Medical, Devices, Equipment and Gases License.

Second: Jade Jacobo

Action: Passed unanimously

9. Reconsideration of denial of application pursuant to NRS 639.139

Lan Thi Tran Nguyen

This matter was continued to a future meeting.

10. Applications for Nevada Pharmacy – Appearance

A. CMH Pharmacy, LLC – Las Vegas, NV

Robert Lively, owner, Alysha McMahon, managing pharmacist, and Aisha Mehdi, counsel, appeared and were sworn by President Penrod prior to answering questions or offering testimony.

Mr. Lively explained that CMH Pharmacy, LLC is a closed door pharmacy that provides erectile dysfunction and hair loss medication.

Mr. Lively answered the Board's questions regarding CMH Pharmacy, LLC's business model, ownership and referral procedures.

Ms. McMahon answered questions to the Board's satisfaction regarding her past work history and pharmacy experience.

After discussion, the Board expressed concern regarding CMH Pharmacy, LLC's business model and referral procedures.

President Penrod offered Mr. Lively the option of tabling CMH Pharmacy, LLC's application to allow Board Staff time to review the company's business model and policies and procedures.

Mr. Lively requested the Board table CMH Pharmacy, LLC's application for Nevada Pharmacy License.

The Board tabled CMH Pharmacy, LLC's application at Mr. Lively's request.

B. Eastside Pharmacy LLC – Las Vegas, NV

Jeff Lang, managing pharmacist, and Ryan Ross, owner and pharmaceutical technician, appeared and were sworn by President Penrod prior to answering questions or offering testimony.

Mr. Lang explain that Eastside Pharmacy is requesting Board approval for an ownership change. He testified that Eastside Pharmacy was formerly Partell Pharmacy, but stated there was no relationship between Partell Pharmacy and Eastside Pharmacy.

Mr. Dodge questioned Mr. Land and Mr. Ross regarding their past work history, the company's products and services provided, compounding procedures, compounding formulas and marketing.

After discussion, Board Staff requested time to review Eastside Pharmacy LLC's application and ownership structure.

The Board tabled Eastside Pharmacy LLC's application and Mr. Ross' request.

C. Modern Rx - Las Vegas, NV

This matter was continued to a future meeting.

D. Perform Rx Pharmacy – Las Vegas, NV

Mr. Wuest explained that a representative from Perform Rx Pharmacy contacted Board Staff to withdraw the company's application.

11. Application for Pharmaceutical Technician – Appearance

Jevons Wang

Jevons Wang appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Wang explained that he disclosed past discipline on his pharmaceutical technician application. He stated in June 2017, he was stopped at a sobriety checkpoint in Virginia. He summarized the facts of his case where he plead guilty for possession of marijuana.

Mr. Wang presented documentation regarding his substance abuse assessment.

Mr. Wang answered questions to the Board's satisfaction regarding his past discipline, marijuana use and education and work history.

The Board discussed having Mr. Wang evaluated by PRN-PRN.

Board Action:

Motion: Kevin Desmond moved to approve Jevon Wang's Application for Pharmaceutical Technician Registration pending a positive evaluation from PRN-PRN. Mr. Wang shall follow any recommendations from PRN-PRN. Board Staff is authorized to review Mr. Wang's PRN-PRN documentation.

Second: Jade Jacobo

Action: Passed unanimously

12. Application for Controlled Substance Registration – Appearance

Victor Bruce, MD

Victor Bruce appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Dr. Bruce provided background information on his work history and education.

Dr. Bruce summarized the facts of his case where he was arrested at his clinic in December 2013. He stated that he was charged with conspiracy to distribute oxycodone. Dr. Bruce explained that in December 2014 his medical license was revoked by the Nevada State Board of Medical Examiners and that he surrendered his DEA registration and controlled substance registration at that time.

Dr. Bruce stated that in September 2014, he was sentenced in federal court to serve 46 months at Taft Correctional Institute in California. He explained that he completed his sentence in May 2018 and was re-licensed by the Nevada State Board of Medical Examiners in September 2018. He stated that his license was issued with restrictions including no prescribing controlled substances for one year.

Dr. Bruce stated that he has no intent to prescribe controlled substances.

The Board discussed the controlled substance registration purpose to possess and prescribe controlled substances.

After discussion, Dr. Bruce requested the Board withdraw his application for Controlled Substance Registration.

The Board withdrew Dr. Bruce's application for Controlled Substance Registration at his request.

13. Applications for Nevada Medical, Devices, Equipment and Gases – Appearance

A. 702 Medical Supplies – Las Vegas, NV

Ana Bailetti, co-owner and administrator, Audrina Vasquez, consultant, and Andrew Schmidt, co-owner, appeared and were sworn by President Penrod prior to answering questions or offering testimony.

Ms. Bailetti stated that 702 Medical Supplies provides assistive equipment, including wheelchairs, bathroom safety supplies, walkers and canes.

Ms. Bailetti, Ms. Vasquez and Mr. Schmidt answered questions to the Board's satisfaction regarding their past education and work history, experience with their products, products provided and referrals.

Board Action:

Motion: Wayne Mitchell moved to approve 702 Medical Supplies' Application for Nevada Medical, Devices, Equipment and Gases License pending a positive inspection.

Second: Kevin Desmond

Action: Passed unanimously

B. Las Vegas Mobility Store – Las Vegas, NV

Harutyun Babayan, owner, appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Babayan explained that Las Vegas Mobility Store will provide electronic mobility equipment including ramps, vehicle lifts and scooters.

Mr. Babayan answered questions to the Board's satisfaction regarding Las Vegas Mobility Store's products and services provided, ownership and investors.

Mr. Dodge stated that Las Vegas Mobility Store is located at the previous CPAP Store Las Vegas address. Mr. Dodge explained that CPAP Store Las Vegas was issued a Cease and Desist Order and fine for practicing without a license. Mr. Dodge stated prescription products were confiscated and quarantined from CPAP Store Las Vegas, and that those products are located at Las Vegas Mobility Store.

Mr. Babayan answered Mr. Dodge's questions regarding Mr. Babayan's knowledge of the activities that occurred at CPAP Store Las Vegas and the relationship between the owners of CPAP Store Las Vegas and Las Vegas Mobility Store.

Mr. Babayan stated that he has no professional relationship with the owners of CPAP Store Las Vegas, but disclosed that their families are familiar with each other. Mr. Babayan testified that he never worked at CPAP Store Las Vegas.

Mr. Scheuber described the quarantined CPAP equipment located at Las Vegas Mobility Store. He explained that products that can be validated will be sold, and any products that cannot be validated will be destroyed.

Mr. Babayan testified that he has not touched any of the quarantined products.

Board discussion ensued regarding Mr. Babayan's qualifications to be an MDEG administrator.

After discussion Mr. Babayan stated that he would hire a qualified MDEG administrator and submit a corrected application.

Board Action:

Motion: Melissa Shake moved to approve Las Vegas Mobility Store's Application for Nevada Medical, Devices, Equipment and Gases License pending receipt of a corrected application and a positive inspection. Las Vegas Mobility Store will have quarterly inspections for the first year at the company's expense.

Second: Robert Sullivan

Action: Passed unanimously

14. Authorization for Executive Secretary to negotiate Memorandum of Understanding with U.S. Food and Drug Administration addressing certain distributions of compounded drug products

Mr. Wuest provided background information.

After discussion the Board authorized the Executive Secretary to negotiate a Memorandum of Understanding with the U.S. Food and Drug Administration in regards to addressing certain distributions of compounded drug products between states.

Public Comment December 16, 2018 4:00 PM

There was no public comment.

15. Discussion and Determination - Regarding the Technician to Pharmacist Supervision Ratio as Set Forth in NAC 639.250. The Board staff will report the results of the completed survey regarding an increase in Technician to Pharmacist Supervision Ratio. All the pharmacists licensed to practiced pharmacy in Nevada with current email addresses were surveyed. The Board may decide to move forward with a Workshop to potentially adopt changes to NAC 639.250 regarding the Technician to Pharmacist Supervision Ratio.

Ms. Long explained that at a past meeting the Board had directed Board Staff to survey the industry regarding modifying the pharmaceutical technician to pharmacist supervision ratio.

Ms. Long presented the results of the survey.

Ms. Long explained that Board Staff received several comments regarding the survey and requested that these comments be read into the record.

Mr. Edwards and Ms. Field appeared and read the comments into the record.

Mr. Wuest explained that based on the feedback received, Board Staff removed question 10 from the survey results.

President Penrod opened the Public Comment.

Lorri Walmsley, Walgreens, Holly Prievo, Healthcare Supervisor Walgreens, Dana Powers, managing pharmacist Walgreens and Dan Chiti, managing pharmacist Walgreens appeared.

Ms. Powers expressed support of increasing or removing the pharmaceutical technician to pharmacist supervision ratio.

Mr. Wuest explained that the pharmaceutical technician to pharmacist supervision ratio is in statute and that the Board could discuss modifying the ratio, but could not remove it.

Mr. Chiti expressed support of increasing the pharmaceutical technician to pharmacist supervision ratio. He stated that an increase in the ratio would allow for pharmaceutical technicians acting as pharmacy clerks to perform technician duties. This would allow more support for the pharmacists.

Liz MacMenamin, RAN, appeared and stated that an increase in the ratio would allow pharmacists to have more flexibility to manage the pharmacy based on its needs.

Mark Johnston, CVS, appeared and discussed the pharmaceutical technician to pharmacist supervision ratio in other states that either had an increased ratio or no ratio.

Lorri Walmsley presented documentation that showed states that had no pharmaceutical technician ratio.

Holly Prievo stated that she has not observed issues due to an increased pharmaceutical technician ratio in the states that she supervises.

Board discussion ensued regarding removing non-licensed personnel from pharmacies and having Board Staff contact NABP to see if any studies have been conducted to investigate the effect of having an increased pharmaceutical technician to pharmacist supervision ratio.

16. General Counsel Report

17. Executive Secretary Report:

- A. Financial Report
- B. Temporary Licenses

One temporary license was issued since the last meeting.

- C. Staff Activities:
 - 1. Meetings with other health care boards

2. Rural Hospital Association – Yen and Dave
3. Nevada Optometry Meeting – Dave
4. Pharmacist Letter CE – Paul
5. Nevada State Medical Association – Yen and Dave
6. Roseman Student Rotation –

Mr. Wuest introduced Grace Field

- D. Report to Board:
 1. Licensing software update
- E. Board Related News
- F. Licensing Activities Report:
 1. PMP Integration
- G. 2019 Legislative Report

Public Comment December 17, 2018 9:00 AM

There was no public comment.

18. Notice of Proposed Regulation Workshop Pursuant to NRS 233B.061(2)

The purpose of the workshop is to solicit comments from interested persons on the following general topic that may be addressed in the proposed regulation:

- A. Amendment of Nevada Administrative Code (NAC) 453.520: Schedule II.** The proposed amendment will add FDA approved dronabinol oral solution to the controlled substances listed in Schedule II.

Grace Field provided background information regarding the FDA approved dronabinol oral solution, Syndros.

President Penrod opened the Public Comment.

There was no public comment.

President Penrod closed the Public Comment

Board Action:

Motion: Kevin Desmond moved to adopt the proposed amendments and move forward to Public Hearing.

Second: Melissa Shake

Aye: Desmond, Mitchell, Shake, Sullivan, Tejero

Jade Jacobo was not present during the vote.

Action: Motion carries

B. Amendment of Nevada Administrative Code (NAC) 639: Dispensing Practitioner. The proposed amendment would permit dispensing practitioners employed by a Federally Qualified Health Center to dispense dangerous drugs for qualified patients at a certain site other than the Health Center.

Mr. Edwards provided background information.

Mr. Edwards summarized the proposed amendments including defining dispensing practitioners, veterinary dispensers and federally qualified health centers (FQHC).

Board discussion ensued regarding inspections of FQHC, drug storage and address of record.

President Penrod opened the Public Comment.

Todd Rich, Vice President of Human Resources Nevada Health Center, appeared and expressed support of the proposed amendments. Mr. Rich provided background regarding Nevada Health Centers practice.

Mr. Rich answered questions to the Board satisfaction regarding Nevada Health Center's funding, medication storage, security and access.

President Penrod closed the Public Comment.

Board discussion ensued regarding to corrections to Section 2.

Board Action:

Motion: Melissa Shake moved to adopt the proposed amendments and move forward to Public Hearing with corrections as discussed.

Second: Kevin Desmond

Action: Passed unanimously

19. Request for renewal of Pharmacist Registration subsequent to Board staff action pursuant to NRS 639.2895 – Appearance:

Sean Barclay

Sean Barclay appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Kandt stated that Board Staff discovered that Mr. Barclay failed to renew his Nevada pharmacist registration and has been working unlicensed since 10/31/2017.

Mr. Kandt stated that Board Staff issued a cease and desist letter and a citation and fine. He explained that Mr. Barclay has also waived his right for 21 day notice in order to appear at this Board meeting.

Mr. Wuest stated that Mr. Barclay has been forthright and willing to work with Board Staff to correct this issue.

The Board questioned Mr. Barclay regarding the reason he failed to renew his Nevada pharmacist registration, his employment history and the policies and procedures at Meta Pharmacy Services.

Mr. Barclay stated that he forgot to renew his registration in October 2017. He explained that he completed all the required CEUs including the Nevada Law CE, but forgot to submit his renewal.

Mr. Barclay described the changes to Meta Pharmacy Services' policies and procedures to prevent this error from occurring in the future.

Mr. Barclay answered questions to the Board's satisfaction.

Board discussion ensued regarding the option to renew Mr. Barclay's pharmacist registration and possible future discipline.

Board Action:

Motion: Wayne Mitchell moved to approve Sean Barclay's request for renewal of Pharmacist Registration pending completion of the online renewal process and compliance with Mr. Barclay's Cite and Fine.

Second: Melissa Shake

Action: Passed unanimously

20. Date and Location of Next Scheduled Board Meeting:

March 6-7, 2019 – Reno, Nevada

21. Public Comment December 17, 2018 5:00 PM

There was no public comment.